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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

CARMELO MILLAN, individually, and on Behalf  
of All Other Persons Similarly Situated,  
Plaintiffs,

vs.

CITIGROUP, INC.,  
CITIGROUP TECHNOLOGY, INC.

Defendants.

Civil Action No. 07-CIV-3769

***Electronically Filed***

**DEFENDANTS' NOTICE OF MOTION  
AND MOTION FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that Defendants Citigroup Inc. ("Citigroup") and Citigroup Technology, Inc. ("Defendants"), pursuant to Rule 56 of the Federal Rules of Civil Procedure and in accordance with the February 21, 2008 Stipulation and Order, and upon: (1) the accompanying Memorandum of Law in Support of Defendants' Motion for Summary Judgment; (2) Defendants' Local Civil Rule 56.1 Statement of Undisputed Facts; and (3) the Affidavit of Sarah E. Pontoski, and the exhibits attached thereto, will move this Court, before the Honorable Alvin K. Hellerstein, in the United States District Court, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, 10007, on a date and at a time to be designated by the Court, for an Order: (i) granting Defendants' motion for summary

judgment; and (ii) awarding Defendants all costs and attorneys' fees incurred in connection with the instant action and this motion.

### **MOTION**

Plaintiff Carmelo Millan has filed an action under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §§ 201 *et seq.* and the New York Labor Law §§ 650 *et. seq.* Defendants move for summary judgment on all claims contained in the Amended Complaint because for the reasons set forth in Defendants' Memorandum of Law in Support of Motion for Summary Judgment, accompanying statement of material facts, and exhibits attached to the Affidavit of Sarah E. Pontoski, Plaintiff has failed to raise a genuine issue of material fact requiring trial and because Defendants are entitled to summary judgment as a matter of law.

Dated: February 22, 2008  
New York, New York

By: /s/ Sam S. Shaulson  
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